



In the United States Patent and Trademark Office

In re the application of: Hulikunta)

Prahlad Raghunandan)

Filed: 08/28/2000)

Group Art Unit: 2155

For: Method to Check E-mail)

Examiner: Philip B. Tran

Count at Boot Time in)

Personal Computer Systems)

Appl. No.: 09/649,738)

Applicant's Docket:)

JP920000198US1)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

REAL PARTY IN INTEREST

The assignee, International Business Machines Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

This is the first appeal in the present patent application. There are no other appeals or interferences known to the appellant or its legal representative. International Business Machines Corporation is the sole assignee of the patent application.

STATUS OF CLAIMS

Claims 1-9 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,609,151 ("Khanna") in view of U.S. Patent 6,457,879 ("Thurlow"). Office action, March 19, 2004 (the "Final Office Action"). Appellant has appealed from the final rejection. Notice of Appeal, received by USPTO on June 23, 2004.

STATUS OF AMENDMENTS

Claims 1 through 9 were originally presented in the application. No claims have been amended, canceled or allowed. No amendments were filed subsequent to the Final Office Action. The claims set out herein in Appendix "AA" are the originally filed claims.

SUMMARY OF INVENTION

The present invention is claimed in the form of a system, a method and a computer program product in independent claims 1, 4 and 7, respectively, and concerns checking for e-mail upon booting.¹ The present invention enables getting email status faster when booting a computer.²

In order to achieve speed, the invention claims features in the BIOS or the performance of steps during a boot up process. Specifically, claim 1 states that what is claimed is "... a basic input/output system (BIOS) for booting ... characterized in that said

¹ See present application, page 1, line 9 - page 2, line 4.

² Page 1, lines 9-20 ("When a personal computer is switched on, the BIOS, which is a program stored in an erasable programmable read only memory (EPROM) in the hardware of the system, carries out a sequence of operations

- it determines the system configuration,
- it verifies some of the hardware
- it then loads the OS loader from the storage device (e.g., Hard disk)

Thereafter the OS loader takes over and continues with the loading of the operating system including the OS kernel and resident OS subsystems.

Only after all these basic activities have been completed, the system is ready to perform useful tasks. This entire process takes a significant amount of time.

For a user interested in knowing the received email count this implies a significant amount of time spent in waiting for the system to actually perform the required task, from the time he/she switches it on.").

BIOS includes . . . a means to access the said remote email server through network *during the boot up process* . . . a means to download the email count for the current user from the remote email server . . . and a means to display the email count for the current user in a defined format on the display of said computing system." Claim 4 states that what is claimed is ". . . a method for accessing email count during the boot up process" including "accessing the network during the boot up . . . downloading the email count for the user from the remote email server . . . , and displaying the email count . . . " And claim 7 states that what is claimed is "A computer program product . . . for causing a computer to access email count during the boot up process . . . " including "computer readable program code means configured for accessing said remote email server through network during the boot up process . . . computer readable program code means configured for downloading the email count for the current user from the remote email server . . . and computer readable program code means configured for displaying the email count for the current user . . . "

Since these features are in the BIOS, performed during boot up, etc. they produce actions before application software or even operating system software is loaded.³

In addition to the above discussed independent claims 1, 4 and 7, the present application has a number of dependent claims, 2-3, 5-6 and 8-9.

³ Page 5, lines 6-9 ("This invention saves precious time to the ordinary user, who wants to check e-mail count before deciding/planning actions for a particular day. *The user does not have to wait for the application software and OS software to be loaded and initialised.*") (emphasis added); see also page 4, line 22 - page 5, line 2 ("Referring to figure 2, when the computing system is switched on (7), the BIOS is loaded (8) and starts execution. As a first step, the BIOS verifies the hardware of the system (9). If the verification is successful, the BIOS uses network adapter driver (2) to communicate (10) with the network adapter hardware (3). The BIOS further uses the TCP/IP module (4) to communicate (11) with the remote email system over the network and access the email headers. The received email headers are then parsed (12) by email header parser (5) to extract the email count for each designated user. This information is then displayed (13) on the terminal of the system.").

ISSUES

Are claims 1 through 9 unpatentable under 35 U.S.C. 103(a) over Khanna in view of Thurlow?

GROUPING OF CLAIMS

Solely for the purpose of this appeal, the claims stand or fall together according to the following groups:

Group 1: claims 1-3;

Group 2: claims 4-6; and

Group 3: claims 7-9.

ARGUMENT

The Final Office Action contends claims 1 through 9 are unpatentable under 35 U.S.C. Office action, March 19, 2004 (the "Final Office Action"). Appellant respectfully disagrees. All the words of a claim must be considered in a rejection pursuant to 35 U.S.C. 102. MPEP 2131 (citing *Verdegaal Bros. v. Union Oil Co., of California*, 814 F.2d 628, 631 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")). Neither Khanna nor Thurlow, alone or in combination, teach or even suggest all the elements set forth in the claims of the present application.

Before turning to Applicant's reasons for disagreeing with the rejection, Applicant wishes to thank the Examiner for clearly stating his position. In Applicant's experience this is far more productive than merely pointing at a passage of prior art without stating in any specific detail what it is in the prior art or the claims of the present invention that forms the basis for a rejection, as is sometimes done. Unfortunately, however, Applicant must respectfully disagree with certain conclusions of Final Office Action.

Claims 1-3. In arguments Applicant presented in reply to the first Office action Applicant stated that the claims of the present application are distinguishable from the art relied upon for the rejections because, among other reasons, the claims of the present application include a limitation about accessing email information by a BIOS during the BIOS

boot up process. Applicant disagrees with the Final Office Action, which states that the recitation "accessing the email information by the BIOS during the BIOS boot up process" has not been given patentable weight, based on the assertion that i) the recitation occurs in the preamble and ii) the claim preamble merely recites purpose or use of a structure and the body of the claim does not depend on the preamble for completeness.

In the first place, the recitation is not limited to the preamble. Claim 1 states that what is claimed is ". . . a basic input/output system (BIOS) for booting . . . characterized in that said BIOS includes: . . . a means to access the said remote email server through network *during the boot up process* . . . a means to download the email count for the current user from the remote email server . . . and a means to display the email count for the current user in a defined format on the display of said computing system." The claim explicitly states that what is claimed includes a means to access the remote email server *during the boot up process*. Furthermore, by reference to the preamble it is clear that this claimed means, as well as a claimed means to download the email count from the email server and a claimed means to display the email count, *are all included in the BIOS* and that the BIOS is *for booting*. Thus, while the claim does not explicitly state that the email counting and displaying is performed during the boot up process, the claim does clearly convey that the email server is accessed by the BIOS *during the BIOS boot up process*, that the BIOS is *for booting*, and that *the BIOS includes* means to count and display the count of the email that is on the email server. Thus, the claim does clearly convey accessing email information by the BIOS during the BIOS boot up process.

Secondly, the preamble of claim 1, for example, does *not* merely recite purpose or use of a structure. In the present case the preamble states that the invention is limited to elements that are *included in the BIOS itself*. A case might be presented in which a claim preamble merely recites purpose or use of a structure if the claim preamble stated something like "An apparatus having a BIOS for booting, wherein the apparatus includes:" and then the body of the claim never mentions the BIOS, or some such thing. But this is not such a case.

Furthermore, the body of claim 1 in the present case *does* depend on the preamble for completeness. The body of the claim sets out elements that can only be understood as being included in the BIOS by reference to the preamble. Furthermore, The preamble of claim 1

states that the BIOS is "for booting," and the body states that one of the claim elements performs a certain function "during the boot up process," which is a reference back to the "booting" introduced in the preamble. In such a case how can the BIOS and booting aspects of the claim possibly be construed as having no weight?

In accordance with established practice,⁴ Applicant has claimed function and structure that *enables* a desirable result of displaying e-mail count quickly during boot up. That is, Applicant has claimed certain features that are part of a computer system BIOS, including the performing of certain functions during a boot process. And Applicant has pointed out and explained how it is that these claimed features advantageously enable the desired result. In response, however, the Final Office Action points out that the claims do not convey that an email count is checked and displayed during the BIOS boot process and do not state that an e-mail count is displayed quickly.

Applicant acknowledges that claim 1 does not explicitly state that an email count is checked and displayed during the BIOS boot process and does not state that an e-mail count is displayed quickly. As explained herein above, however, the claim *does* clearly convey that an email server is accessed by the BIOS during the BIOS boot up process, that the BIOS is *for booting*, and that *the BIOS includes* means to count and display the count of the email that is on the email server. Thus, the claim does clearly convey accessing email information by the BIOS during the BIOS boot up process. And the claimed features enable a desired result, displaying e-mail count quickly, which could possibly be during boot up, and must be given due weight.

Applicant expected that if language such as "displaying an e-mail count quickly" had been stated in the claims it might very well be rejected as indefinite. Applicant could also have amended the claims to explicitly state that the counting and displaying are performed during the boot up process. However, Applicant does not feel that such language is necessary to distinguish the invention over the art that has been relied upon for the rejection, particularly in view of what the claims as originally submitted clearly do convey, and particularly in view of Applicant's disagreement about certain conclusions stated in the Final Office Action, discussed herein above.

⁴ See, for example, MPEP 2181, V. (discussing improper single means claim).

The Final Office Action maintained the rejections of the first Office action, relying upon the same teachings by Khanna and Thurlow for the rejection. Khanna is relied upon for teaching about a computer system having a BIOS for booting connected to a remote computer, where the BIOS includes means to access a remote email server during boot up.⁵ Thurlow is relied upon for teaching about the use of a client email application program interacting with a remote email server system for checking a connection upon booting up and downloading email.⁶

In reply to the first Office action, Applicant analyzed the teachings of Khanna and Thurlow beyond the recitations from these references in the Office action. The Final Office Action objects to Applicant's analysis of the overall teaching of the two references, characterizing this as an improper attacking of the references "individually without taking into consideration based on the teaching of combinations of references as shown above" and contending that "applicant seems to argue points the examiner has already construed Khanna does not explicitly teach while restricting the arguments on the Khanna-Thurlow combined to arguments of no motivation." Applicant contends, however, that in addition to analyzing the assertions of the Final Office Action about the particular teachings of Khanna and Thurlow, it is proper to consider *all* the teachings of the references, and whether, in view of all of their teachings, they suggest the relied upon combination of teachings. A prior art reference must be considered in its entirety, that is, as a whole, including portions that would lead away from the claimed invention.⁷

Thurlow concerns fixing the problem of disrupted email message processing that occurs when a computer switches between online and off line modes.⁸ While Thurlow does

⁵ Final Office Action, page 3.

⁶ Id.

⁷ MPEP Section 2141.03 (citing *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540).

⁸ Column 2, lines 47-53 ("Offering users the capability of operating in either online or off line mode has, unfortunately, spawned another problem. Most e-mail clients are not well equipped to accommodate a transition between online and off line modes of operation. Consequently, a computer's transition between online and off line states can disrupt effective e-mail message processing."); column 3, lines 14-34 ("This problem is not limited to the example of a portable computer with a docking station, but can occur with any computer that loses an operating communications line with a mail server. No effective solution to this problem has been proffered in the prior art. Indeed, most e-mail clients either assume that the remote computer user is always in online mode, or allow the remote computer user to select online or off line modes of operation, but are unable to accommodate a transition between online and off line states of operation. Therefore, there is a need in the art for an improved

not concern speedy access to and display of an email count, as does the present invention, nevertheless, Thurlow includes teaching that is directly contrary to claim 1 of the present invention. That is, Thurlow teaches that email information is accessed "upon starting-up (i.e., boot)," *by an e-mail program, MICROSOFT OUTLOOK, not the BIOS.*⁹

Thurlow does not teach accessing the email information by the BIOS, *during the BIOS boot up process*, etc. as in claim 1 of the present invention. The reference by Thurlow to "upon starting-up (i.e., boot)" must be taken to mean that after the operating system loader takes over from the BIOS boot process the *email program* is loaded and checks the LAN connection, since Thurlow says "the 'MICROSOFT OUTLOOK '98' program will check the LAN connection upon starting-up (i.e., boot)." Thus, Thurlow teaches precisely the way of doing things that the present invention changes.

Khanna, like Thurlow, does not concern speedy access to and display of an email count, as does the present invention. Khanna teaches about making modifications to a computer BIOS for a purpose unrelated to e-mail. Khanna is concerned with controlling a first computer by a second computer, which Khanna refers to as "redirecting" (to the second computer) the control console of the first computer (also, "console redirection").¹⁰ For that

method of effecting a transition between online and off line modes of e-mail processing operation where there is a transition between online and off line states. This method should provide the remote computer user an interface for configuring the responsive actions to be taken in the event of a state change. In addition to an improved configuration interface, the system should provide the capability to automatically respond to the detection that the remote computer has made a transition between online and off line states and to continue to process e-mail in accordance with a user's configuration settings.").

⁹ Column 14, lines 34-57 ("LAN-Only Operation When the user has selected the LAN connection button 302 in the CCW 300 (FIG. 3), but has not selected the secondary dial-up network checkbox 304, the "MICROSOFT OUTLOOK '98" program will operate in LAN-only mode. This mode will never seek to establish a connection to the mail server 49 (FIG. 1), via a dial-up connection. Therefore, if the LAN connection is unavailable or the mail server 49 (FIG. 1) cannot be connected to via the LAN connection for some other reason, the program will simply be unable to enter the online mode of operation. Accordingly, the "MICROSOFT OUTLOOK '98" program will check the LAN connection upon starting-up (i.e., boot). If the LAN connection to the mail server 49 (FIG. 1) is operational, then the program will send and receive mail via the LAN connection and then enter online mode. Periodically, the program will poll the mail server 49 (FIG. 1) in the background for any new incoming messages. . . .") (emphasis added).

¹⁰Column 2, lines 19-34 ("FIG. 1 shows one computer 100 that is connected to a network 120 to communicate with a remote computer 130. The techniques disclosed herein are operable to configure and control the computer 100 so that operations of the computer 100 can be controlled from another remote computer (e.g., the computer 130) as if the user were physically present. This allows sharing of hardware and software resources between the computers 100 and 130. The above operation appears to "redirect" the control console of the computer 100 to a remote computer 130. The remote computer 130 may be at any location that has a link to the network 120 and may be a portable computer, a desktop PC, a workstation, or any other information processing device based on a computer processor. This console redirection improves the efficiency and reduces costs in

purpose, Khanna teaches adapting the first computer so that the console redirection can be done at the first computer's BIOS level regardless of whether the first computer has booted to its operating system.¹¹ To do this, Khanna teaches adding special routines to the first computer's BIOS and implementing a hardware layer interface for the first computer's network interface card.¹² The only point about e-mail touched on by Khanna concerns using email to establish communication between the computers.¹³

In summary, Khanna teaches about modifying BIOS so one computer can remotely control a second computer even if the controlled computer does not have any applications installed. This is combined with Thurlow, which teaches that after starting up a computer an e-mail application running on the computer can check for new e-mail. But Thurlow does not teach that this is done by BIOS, or that it is done *during* boot up. Rather Thurlow teaches this is done by an e-mail application program. Since Thurlow teaches this is done by an e-mail application program, the reference by Thurlow to "upon boot up" should not be taken to mean *during* boot up.

resource sharing, service, and management of networked computers.").

¹¹Column 3, lines 40-56 ("The computer 100 is controlled so that the remote computer 130 can access and execute its BIOS in the ROM 108 through the NIC 116 and the network 120 regardless of the operating status of the computer 100. This access can include, e.g., before or after the computer 100 is booted, when it experiences a failure, or it is under a power management mode such as hibernation. In particular, the present console redirection allows communication between the computer 100 and the remote computer 130 when the computer 100 does not have a locally-running operating system ("OS"), e.g., before the OS is launched, when the computer 100 has failed to boot for some reason or does not have an OS installed locally. Hence, the console redirection may be implemented by operations of software and hardware components at the BIOS level of the computer 100 in order to perform certain operations in absence of a local OS and to operate by running an OS in the remote computer 130.").

¹²Column 3, line 56 - column 4, line 20 ("This OS-independent console redirection may be implemented from at least two different aspects. First, the BIOS stored in the ROM 108 includes special routines and instructions that control and coordinate the console redirection from the computer 100 to the remote computer 130. These special BIOS routines and instructions control operations of the NIC 116 and direct data for the console redirection to a desired destination. . . . In another aspect, an NIC hardware layer interface may be implemented to make the communication between the computer 100 and the network 120 (to the remote computer 130) independent of the specific hardware configuration of the NIC 116 . . .").

¹³Column 5, line 66 - column 6, line 10 ("Computers 100 and 130 need to know each other's network addresses (e.g., IP addresses) in order to communicate. The address of the remote computer 130 may be stored in the ROM 108 in advance or communicated to the computer 100. The BIOS in the computer 100 may include the routines to inform the remote computer 130 of the network address for the computer 100 upon completion of the step 230. For example, the BIOS of the computer 100 may include an electronic mail routine (e.g., the Simple Mail Transfer Protocol for the Internet) to send the newly-assigned network address via email to the remote computer 130.").

Thus, considering all the teachings of Khanna and Thurlow, the application of these references in the Final Office Action presents the question, even aside from the question of the individual teachings for which the references are relied upon for the rejection, whether it is proper to combine Khanna, which teaches about BIOS modification and sending an IP address by e-mail protocol, with the teaching of Thurlow, particularly given that the teaching by Thurlow is contrary to accessing an e-mail server by an element of BIOS during boot up, as in claim 1 of the present application.

Applicant contends that since Thurlow teaches email access is done by an e-mail application program it is not proper to modify Khanna's teaching about BIOS and boot up for access to a remote computer with teaching of Thurlow about accessing email as a basis for a suggestion about accessing an e-mail server by an element of BIOS during boot up, as in claim 1 of the present application. That is, the teaching by Thurlow about email access is contrary to accessing email by BIOS means during boot up. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.¹⁴

In addition to the above, and even aside from the issue of whether it is proper to combine teachings of Khanna and Thurlow, in Applicant's reply to the first Office action Applicant analyzed the assertions therein about the particular teachings of Khanna and Thurlow and concluded that the teachings do not actually suggest the present invention, as set out in claim 1. Considering *all the words* of the claim in the present application, as is proper, Khanna's teaching about BIOS-effected email communication as a means for enabling a remote computer to control another computer and Thurlow's teaching about checking for email by an email application program shortly after booting the BIOS do not suggest ". . . a basic input/output system (BIOS) for booting . . . characterized in that said BIOS includes: . . . a means to access the said remote email server through network *during the boot up process* . . . a means to download the email count for the current user from the remote email server . . . and a means to display the email count for the current user in a defined format on the display of said computing system," as stated in claim 1 of the present application.

¹⁴MPEP 2143.01 (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Since independent claim 1 is patentably distinct, its dependent claims 2-3 are likewise patentably distinct merely based on their dependence upon the respective independent claims. If an independent claim is non obvious, then any claim depending there from is non obvious. MPEP Section 2143.03 (citing *In re Fine* 837 F.2d 1071). Moreover, dependent claims 2-3 are all the more patentably distinct due to their respective additional limitations.

Claims 4-6.

Claim 4 has a step of "accessing the network during the boot up" and a step of "downloading the email count for the user from the remote email server," the preamble says the email count is accessed "during the boot up process." Applicant acknowledges claim 4 does not explicitly state that an email count is displayed during the BIOS boot process and does not state that an e-mail count is displayed "quickly." But giving all the words of the claim their due weight, as explained herein above regarding claim 1, claim 4 *does* clearly convey accessing an email count during a boot up process. The claimed features enable a desired result, displaying e-mail count more quickly in connection with booting up, and must be given due weight.

Considering *all the words* of the claim in the present application, which as explained herein above is proper, Khanna's teaching about BIOS-effected email communication as a means for enabling a remote computer to control another computer and Thurlow's teaching about checking for email by an email application program shortly after booting the BIOS do not suggest ". . . a method for accessing email count during the boot up process" including "accessing the network during the boot up . . . downloading the email count for the user from the remote email server . . . , and displaying the email count . . . ," as stated in claim 4 of the present application.

Since independent claim 4 is patentably distinct, its dependent claims 5-6 are likewise patentably distinct merely based on their dependence upon the respective independent claims. Moreover, dependent claims 5-6 are all the more patentably distinct due to their respective additional limitations.

Claims 7-9.

Claim 7 has an element "code means configured for accessing said remote email server through network during the boot up process" and the preamble says the accessing of the e-mail count is "during the boot up process." Giving all the words of the claim their due weight, as explained herein above regarding claim 1, claim 7 *does* clearly convey accessing an email count during a boot up process. The claimed features enable a desired result, displaying e-mail count more quickly in connection with booting up, and must be given due weight.

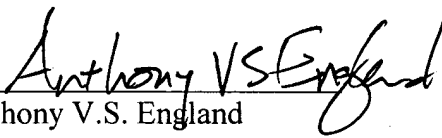
Considering *all the words* of the claim in the present application, which as explained herein above is proper, Khanna's teaching about BIOS-effected email communication as a means for enabling a remote computer to control another computer and Thurlow's teaching about checking for email by an email application program shortly after booting the BIOS do not suggest "A computer program product . . . for causing a computer to access email count during the boot up process . . ." including "computer readable program code means configured for accessing said remote email server through network during the boot up process . . . computer readable program code means configured for downloading the email count for the current user from the remote email server . . . and computer readable program code means configured for displaying the email count for the current user . . .," as stated in claim 7 of the present application.

Since independent claim 7 is patentably distinct, its dependent claims 8-9 are likewise patentably distinct merely based on their dependence upon the respective independent claims. Moreover, dependent claims 8-9 are all the more patentably distinct due to their respective additional limitations.

REQUEST FOR ACTION

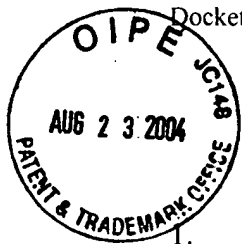
Based on the above arguments, Appellant requests that claims 1 through 9 of present application be allowed and the application promptly passed to issuance.

Respectfully submitted,

By 
Anthony V.S. England
Registration No. 35,129
Attorney of Record for
IBM Corporation
1717 West Sixth Street, Suite 230
Austin, Texas 78703
Telephone: 512-477-7165
a@aengland.com

Attachment: Appendix "AA" Claims

APPENDIX "AA" CLAIMS

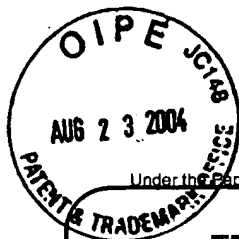


1. (original) In a computing system consisting of a processor, memory storage, input and output devices, a network interface adapter and a basic input/output system (BIOS) for booting, said system being connected to a remote email server, characterized in that said BIOS includes:
 - a means to communicate with the network adapter,
 - a means to access the said remote email server through network during the boot up process using said network adapter,
 - a means to download the email count for the current user from the remote email server on said network, and
 - a means to display the email count for the current user in a defined format on the display of said computing system.
2. (original) A system as claimed in claim 1 wherein the communication with said remote email server is through TCP/IP protocol.
3. (original) A system as claimed in claim 1 further comprising configuration means for configuring the designated users of the system during a previous system operation.
4. (original) In a computing system including a network adapter and a basic input/output system (BIOS) connected to a remote email server through a network, a method for accessing email count during the boot up process comprising:
 - communicating with the network adapter,
 - accessing the network during the boot up using said network adapter,
 - downloading the email count for the user from the remote email server on said network, and
 - displaying the email count for the current user in a defined format on the display of said computing system.

APPENDIX "AA" CLAIMS

Filed: August 28, 2000

5. (original) A method as claimed in claim 4 wherein the communication with said remote email server is through TCP/IP protocol.
6. (original) A method as claimed in claim 4 further comprising configuring the designated users of the system during a previous operation.
7. (original) A computer program product comprising computer readable program code stored on computer readable storage medium embodied therein for causing a computer to access email count during the boot up process, said computer program code comprising:
 - computer readable program code means configured for communicating with the network adapter,
 - computer readable program code means configured for accessing said remote email server through network during the boot up process using said network adapter,
 - computer readable program code means configured for downloading the email count for the current user from the remote email server on said network, and
 - computer readable program code means configured for displaying the email count for the current user in a defined format on the display of said computing system.
8. (original) A computer program product as claimed in claim 7 wherein said computer readable program code means is configured for communicating with the network adapter through the TCP/IP protocol.
9. (original) A computer program product as claimed in claim 1 further comprising computer readable program code means for configuring the designated users of the system during a previous system operation.



off 2155
ITW

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

47

Application Number

09/649,738

Filing Date

08/28/2000

First Named Inventor

Hulikunta Prahlad Raghunandan

Art Unit

2155

Examiner Name

Philip B. Tran

Attorney Docket Number

JP920000198US1

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief*) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Acknowledgement postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | *in triplicate (Appeal Brief 13 pages, Appendix "AA" 2 pages)) | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Anthony V.S. England

Signature

Anthony VS England

Date

8/20/2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Anthony V.S. England

Signature

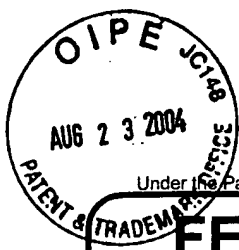
Anthony VS England

Date

8/21/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 330.00)

Complete if Known

Application Number	09/649,738
Filing Date	08/28/2000
First Named Inventor	Hulikunta Prahlad Raghunandan
Examiner Name	Philip B. Tran
Art Unit	2155
Attorney Docket No.	JP920000198US1

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

09-0457

International Business Ma

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	\$330.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 330.00)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Anthony V.S. England	Registration No. (Attorney/Agent)	35,129	Telephone	512-477-7165
Signature	Anthony V.S. England	Date	8/20/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.